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U.S. Unit Stifled in Bid to Deport Suspected Nazis

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The Justice Department unit that criticized the U.S. government last week for foiling France's attempt to prosecute Gestapo officer Klaus Barbie after World War II is finding it too is being stymied by foreign governments.

To date, the Justice Department's Office of Special Investigations, set up four years ago to obtain the court-ordered deportation of suspected Nazi war criminals, has not found a foreign government to accept and prosecute them.

Complicating the situation, the Office of Special Investigations is finding that often it is chasing ghosts. Six targets of its deportation suits have died. A seventh is too infirm to prosecute, a court has ruled. The average age of those who remain approaches 70. Some are well into their '80s.

'The Last Action'

Despite these problems, the office's outgoing director Allan A. Ryan Jr., who researched and wrote much of the Barbie report, calls the deportation effort "the last action we as a people can take that is not symbolic" to repudiate Nazism.

"To not proceed against them would be to forgive what they did in the past," said Ryan, who directed the office for three years and will leave to write a book at the end of this month.

The office has 300 cases still under investigation. It has closed 300 other cases, either because there was not enough evidence, or because the people died or they could not be found.

It has suits pending against 29 immigrants. Based on those suits, federal courts have revoked the citizenship of a dozen men. Deportation orders have been issued against four.

But most cases remain tangled in judicial appeals, a process that Ryan calls "cumbersome." The unit cannot prosecute accused war criminals here since their crimes were not committed on U.S. soil.

Instead, under the law passed by Congress that created the Office of Special Investigations in 1979, the unit files civil lawsuits to denaturalize those who helped in the persecution of people because of their political beliefs, race or religion.

The suits, brought in federal courts throughout the country, generally charge that the accused concealed their wartime roles to gain entry into the United States and to become citizens. Because they lied, the suits argue, the courts must revoke their citizenship.

Can Appeal to High Court

Once an accused war criminal has lost his citizenship, the office starts a deportation action in immigration court. As with a denaturalization order, an accused individual can appeal a deportation order to the U.S. Supreme Court.

In all, there are seven judicial steps, including trials and appeals, in most deportation cases.

Ryan acknowledged that the task assigned to his unit of 50 lawyers, investigators, historians, clerks and translators is difficult. And, perhaps, it is too late.

So far, only one of the unit's targets, Han Lipschis, a retired Chicago factory worker and former guard at the Auschwitz death camp, has left this country—and he did so voluntarily after the Justice Department sued seeking his deportation.

As part of an agreement, the Justice Department offered to buy Lipschis a one-way ticket to West Germany. But rather than wait until the agreed-upon departure date at the end of April, Lipschis, 63, slipped out of the country a week early, on April 14, without the Justice Department's knowledge, apparently to avoid the attention that his departure would have received. Because he left early, the Justice Department saved $600, the price of the air ticket.

Unlike many of the other accused war criminals, Lipschis never became a U.S. citizen or relinquished his German citizenship. Thus, West Germany had no choice but to accept him, though it is doubtful that he will be prosecuted for war crimes.

"Legally it is not possible," said a spokesman for the West German embassy in Washington. ". . . If he had been deported a few years earlier, (he might have been prosecuted). But after a certain time you can't prosecute."

But Neal M. Sher, acting director of the Office of Special Investigations, said a West German prosecutor plans to visit Washington in October to determine if there is enough evidence for a prosecution of Lipschis.

The deportation of another suspected war criminal, Valerian Trifa, 69, an archbishop in the Romanian Orthodox Church in Michigan, is far more complex.

The Office of Special Investigations sued Trifa in October, 1980, seeking to take away his citizenship. The accusation is that he was a leader in the fascist Iron Guard in Romania and an anti-Semitic propagandist who incited a riot resulting in the deaths of hundreds of Bucharest's Jews.

Stripped of Citizenship

Trifa, who became a U.S. citizen in 1957, seven years after coming to this country, was stripped of his citizenship by a federal court in Michigan last year.

Shortly afterward, he agreed to leave the country. He chose to move to Switzerland, but was refused residency there. He asked for asylum in Italy and Ireland, but was turned down by both of those countries as well.

Then the Office of Special Investigations took over and tried to find a country that would accept him. So far, it has found no takers.

West Germany refused, even though it harbored him from 1941 to 1944.

"Why take him?," a West German embassy spokesman asked. "Trifa is a Romanian national. Our

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